



**THE CITY OF NEW YORK  
LAW DEPARTMENT**

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February 7, 2014

**Via ECF**

Honorable Judge Steven M. Gold  
United States Magistrate Judge  
Eastern District of New York  
225 Camden Plaza East  
Brooklyn, New York 11201

Re: Marcellus Hollingsworth. v. Sergeant Erik Nolan, et al.  
13 CV 1398 (WFK)(SMG)

Your Honor:

I am an Assistant Corporation Counsel in the Office of Michael A. Cardozo, Corporation Counsel of the City of New York, attorney for defendants Sergeant Erick Nolan, Police Officer Adam Triolo, Police Officer Ehtasham Khan, Police Officer Vianna Vargas, and Police Officer Aleksandr Kovalenko, and Police Officer Alexander Lago. I write to respectfully request a sixty day extension of time to complete fact discovery, currently set for March 27, 2014, as well as a three week extension of time for each party to provide their expert reports, currently due on February 7, 2014, and March 13, 2014. Plaintiff's counsel, Barea Fett, Esq., consents to this request.

As the Court is aware, the predicate claim in this matter is for excessive force. Accordingly, as indicated at the initial conference, the parties wish to have expert reports provided before proceeding to depositions, in the event that a resolution may be reached. Plaintiff has requested, and defendants consented, to a three week extension of time to provide his expert report. This of course necessitates a corresponding extension of time for defendants' to provide their report. The desire not to have expert discovery and depositions occur concurrently, as well as the undersigned's limited availability for depositions between the time of this writing and the close of fact discovery informs the parties' request for an extension of the time to conduct depositions.

Consequently, the undersigned respectfully requests that the time for plaintiff to submit his expert report, currently due on February 7, 2014, be extended until February 28, 2014, that defendants' report be due on April 3, 2014, and that fact discovery be extended until May 26, 2014<sup>1</sup>.

Thank you for your consideration herein.

Respectfully submitted,

/s/

Melissa Wachs  
Assistant Corporation Counsel  
Special Federal Litigation Division

cc:

Baree Fett, Esq. (By ECF)  
*Attorney for Plaintiff*

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<sup>1</sup> There is currently a conference scheduled for April 4, 2014 at 10am. The parties request this be adjourned until such time as discovery has completed, at a time convenient to the Court.